

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

GARRY STEVEN LONG

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Case No. 4:11cr210
(Judge Schell)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on January 12, 2012, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by James Peacock.

On September 2, 1999, Defendant was sentenced by the Honorable Fred Biery to eighty-four (84) months' custody followed by five (5) years of supervised release for the offense of Conspiracy to Possess with Intent to Distribute a Quantity of Cocaine and Possession with Intent to Distribute a Quantity of Cocaine. On October 24, 2006, Defendant completed his period of imprisonment and began service of his supervised term.

On October 19, 2011, the U.S. Probation Officer from the Western District of Texas executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated a mandatory and standard condition. The petition asserted that Defendant violated the following mandatory condition: The defendant shall not commit another federal, state, or local crime during the term of supervision. The petition also asserted that Defendant violated the following standard condition: The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer. On November 8, 2011, this case was transferred

to this Court and assigned to the Honorable Richard A. Schell.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the allegations. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve months and one day with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Springfield, Missouri, Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 19th day of January, 2012.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE